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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 TANIKO SMITH,

Case No. 3:16-cv-00456-MMD-WGC

10 Plaintiff,

ORDER

11 v.

12 ISIDRO BACA, *et al.*,

13 Defendants.

14 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by
15 a state prisoner. The Court previously granted Plaintiff's application to proceed *in forma*
16 *pauperis*. (ECF No. 4). After a remand from the Ninth Circuit, this Court issued an order
17 and reopened this case on April 24, 2018.¹ (ECF No. 17). The order imposed a 90-day
18 stay and the Court entered a subsequent order in which the parties were assigned to
19 mediation by a court-appointed mediator. (ECF Nos. 17, 20). The Office of the Attorney
20 General has filed a status report indicating that settlement has not been reached and
21 informing the Court of its intent to proceed with this action. (ECF No. 23).

22 **IT IS THEREFORE ORDERED** that:

23 1. The Clerk of the Court shall electronically **SERVE** a copy of this order and
24 a copy of Plaintiff's complaint (ECF No. 5) on the Office of the Attorney General of the
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26 _____
27 ¹ Plaintiff filed an amended complaint on the same day that this Court reopened his case and sent the case
28 to mediation on the original complaint. (See ECF Nos. 16, 17). The Court finds that the original complaint
(ECF No. 5) is the operative complaint in this case.

1 State of Nevada, by adding the Attorney General of the State of Nevada to the docket
2 sheet. This does not indicate acceptance of service.

3 2. Service must be perfected within ninety (90) days from the date of this order
4 pursuant to Fed. R. Civ. P. 4(m).

5 3. Subject to the findings of the order (ECF No. 17), within **twenty-one (21)**
6 **days** of the date of entry of this order, the Attorney General's Office shall file a notice
7 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
8 service; (b) the names of the defendants for whom it does not accept service, and (c) the
9 names of the defendants for whom it is filing the last-known-address information under
10 seal. As to any of the named defendants for whom the Attorney General's Office cannot
11 accept service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the
12 last known address(es) of those defendant(s) for whom it has such information. If the last
13 known address of the defendant(s) is a post office box, the Attorney General's Office shall
14 attempt to obtain and provide the last known physical address(es).

15 4. If service cannot be accepted for any of the named defendant(s), Plaintiff
16 shall file a motion identifying the unserved defendant(s), requesting issuance of a
17 summons, and specifying a full name and address for the defendant(s). For the
18 defendant(s) as to which the Attorney General has not provided last-known-address
19 information, Plaintiff shall provide the full name and address for the defendant(s).

20 5. If the Attorney General accepts service of process for any named
21 defendant(s), such defendant(s) shall file and serve an answer or other response to the
22 complaint within **sixty (60) days** from the date of this order.

23 6. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has
24 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
25 document submitted for consideration by the Court. Plaintiff shall include with the original
26 document submitted for filing a certificate stating the date that a true and correct copy of
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1 the document was mailed or electronically filed to the defendants or counsel for the
2 defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service
3 to the individual attorney named in the notice of appearance, at the physical or electronic
4 address stated therein. The Court may disregard any document received by a district
5 judge or magistrate judge which has not been filed with the Clerk of the Court, and any
6 document received by a district judge, magistrate judge, or the Clerk of the Court which
7 fails to include a certificate showing proper service.

8 7. This case is no longer stayed.

9 DATED: August 13, 2018.

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11 Walter G. Cobb
12 UNITED STATES MAGISTRATE JUDGE
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